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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	09/819,603
		Filing Date	March 29, 2001
		First Named Inventor	Gregory W. EASLEY
		Art Unit	3713
		Examiner Name	J. M. Hotaling
Total Number of Pages in This Submission	6	Attorney Docket Number	559442001100

**ENCLOSURES (Check all that apply)**

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	James M. Denaro		
Date	December 23, 2005	Reg. No.	54,063



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of:  
Gregory W. EASLEY et al.

Confirmation No.: 4194

Application No.: 09/819,603

Art Unit: 3713

Filed: March 29, 2001

Examiner: John M. Hotaling, II

For: CONSOLE-BASED SYSTEM AND METHOD  
FOR PROVIDING MULTI-PLAYER  
INTERACTIVE GAME FUNCTIONALITY  
FOR USE WITH INTERACTIVE GAMES

**APPELLANT'S REPLY BRIEF**

MS Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Washington, D.C. 22313-1450

Sir:

This Reply Brief responds to the Examiner's Answer mailed October 25, 2005.

## ARGUMENT

Claims 1-21 stand rejected under 35 USC 102(b) over Rothschild. Appellant submits that Rothschild does not disclose all of the features of independent claims 1 and 11 and, therefore, also does not disclose all of the features of any of the dependent claims.

**A. Rothschild does not disclose a console system comprising a base-functionality module.**

Representative claim 1 recites “one or more console systems operating on the one or more servers wherein the console systems comprise one or more base-functionality modules.” This feature, as understood in light of the specification, is not disclosed by Rothschild.

In the Answer, the Examiner provided a table purporting to show correspondence between claimed features and the disclosure in Rothschild. In connection with the claimed feature of a console system comprising a base-functionality module, the Examiner stated in the table at page 5 of the Answer that the Master Control Program (MCP) described in Rothschild teaches the console system and that the Matchmaker (MM) described in Rothschild teaches the base-functionality module. Appellant submits that, based on the clear teachings of Rothschild, the MCP and MM cannot be the console system and base-functionality module of the claims.

Independent claims 1 and 11 clearly describe that the console systems comprise one or more base-functionality modules. Figure 2 of the application illustrates that console system 160 includes a plurality of base components 202. The specification of the application at page 11, lines 7-9, describes that “[c]onsole system 160 may include base components 202...” and at page 3, lines 5-7, describes that the console system may provide a set of predetermined base-functionality modules that may be leveraged by interactive games provided through various software game modules.

Rothschild, however, at col. 6, lines 36-37, describes that “Matchmakers execute on a Server that does not host any MCPs” (emphasis added). Rothschild further describes at col. 3, lines 20-27, that the physical separation shown in Fig. 11 between the MM 505 and MCP 501 and their interconnection only by solid lines 520 indicates that those server programs do

not necessarily reside in the same physical computer. While the pending claims are not limited by their plain language or the specification to embodiments in which the console system and base-functionality module reside on the same physical computer, it is clear that Rothschild does not teach a console system that comprises a base-functionality module. Rather, according to Rothschild, the MM and MCP are merely in communication with each other.

In addition to the table, to show the teaching of a console system in Rothschild, the Examiner also asserted that “[w]ith respect to one or more consol [sic] systems see columns 4-8 and any reference to game instance class server and game upper level protocol server program.” (Examiner’s Answer, page 3.) Appellant submits that there is no teaching in cols. 4-8 -- or anywhere else in Rothschild -- of such a console system. Columns 4-8 of Rothschild broadly cover communications, encryption, authentication and the selection of certain entities for further communication. This portion of the reference is largely irrelevant to the subject matter of the present application.

Appellant further submits that neither the “game instance class server” (GICS) nor the “game upper level protocol (GULP) server program” of Rothschild are the “console system” of the claims. Rothschild does not disclose that the GICS or GULP “comprise[s] one or more base-functionality modules.”

Because Rothschild does not show a console system comprising a base-functionality module, appellant respectfully submits that Rothschild does not anticipate the claimed invention and requests that the rejection of claims 1-21 be reversed.

**B. Rothschild does not disclose an application programming interface.**

Independent claims 1 and 11 recite an “application programming interface” comprising “a common interface for connecting additional modules.” This feature is also not disclosed by Rothschild.

In connection with the application programming interface (API), the specification describes that the console system “may be ignorant of the games and their functionality, and focus on the parameters supplied.” (See page 7, lines 12-16.) The ability of the console

system to be ignorant of the games and their functionality is a result of the “common interface for connecting additional modules” of claims 1 and 11. The claimed system thereby provides a common interface for transparently accessing console system functionality and further provides independence from protocol requirements of the console system.

This claimed common interface overcomes certain problems of the prior art typified by Rothschild. As described in the Background of the Invention section of the application, at page 2, “[g]enerally, client-side game systems are inflexible and difficult to upgrade. Oftentimes, an entire new client-side system is required to adapt to advances in graphics, sound quality, and other improvements and enhancements. Also older cartridges may not be compatible with newer (e.g. upgraded) client-side systems.” Additionally, in the prior art systems, each game application typically provides options and services that are exclusively associated with a particular game application. These options and services are generally not compatible with other software and game applications. Rothschild does not overcome these limitations of the prior art because it does not teach a common interface for connecting additional modules.

In the final rejection and in the Answer, the Examiner did not expressly address the application programming interface (API) or the claimed feature that it “comprises a common interface for connecting additional modules.” Rather, the Examiner wrote at page 3 of the Answer that “[w]ith respect to the amended subject matter please see columns 4-8 which disclose that the Gizmo (‘the client computer upon which the gizmo is running’!!!:06-65.[sic]) links to one or more servers and programs to log on and authenticate or to connect to another Master Control Program (MPC) which may represent the type or class of game that is desired.” Appellant respectfully submits that this cited portion of Rothschild does not teach an API with a common interface. This portion of Rothschild only teaches that a client can connect to one or more servers. A simple client-server connection without more does not teach a common interface for connecting additional modules. There is not even a suggestion in Rothschild of a “common interface for connecting additional modules.”

In the Answer, the Examiner provided a table purporting to show correspondence between claimed features and the disclosure in Rothschild. In connection with the API, at page 5 of the Answer, the Examiner cited col. 11, lines 25-45 of Rothschild. This portion of Rothschild shows a game instances class server program (GICS) in communication with a game upper level protocol server program (GULP). However, Rothschild does not teach that the GICS and GULP are anything more than two functional units in communication with each other. Specifically, there is no suggestion in Rothschild that these modules have a "common interface for connecting additional modules."

Because Rothschild does not show an application programming interface comprising a common interface for connecting additional modules, appellant respectfully submits that Rothschild does not anticipate the claimed invention and requests that the rejection of claims 1-21 be reversed.

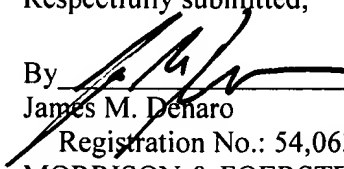
### **CONCLUSION**

Because Rothschild does not teach anything more than a modularized system for playing a game over a network and fails to anticipate claims 1-21, appellant respectfully requests that this Board reverse the outstanding rejections.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, appellant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 559442001100.

Dated: December 23, 2005

Respectfully submitted,

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